

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-4, 6-7, and 9-19 and 22-23 are pending in the application. Claims 5, 8 and 20-21 have been cancelled without prejudice or disclaimer. Independent claim 1 has been amended to include claim 5 and to improve claim language. Claim 15 has been rewritten in independent form including all limitations of base claim 8, now canceled. Claims 2-4, 6-7, 9-14 and 18 have been revised to either correct their dependency and/or better define the claimed invention. New claims 22-23 have been added to provide Applicants with the scope of protection to which they are believed entitled. The new claims find solid support in the original specification, e.g., at page 17, lines 10-17. No new matter has been introduced through the foregoing amendments.

The Examiner's reminder of the USPTO's requirement that Applicants point out support for all newly added claim features is noted. Support for new claim features presented in the previous Amendment has been provided in that paper, at page 11, the second full paragraph below the section headline Remarks. Support for new claims 22-23 presented in the this Amendment has been identified in the immediately preceding paragraph.

The drawing objection is moot as claims 20-21 have been cancelled.

The 35 U.S.C. 103(a) rejections of claims 1-2, 5-9, and 12-19 as being obvious over *Blenke* (U.S. Patent No. 5,525,175) in view of *Syndikus* (U.S. Patent No. 6,505,791) are noted. It appears to the Examiner's basic argument that it would have been obvious to incorporate the *Syndikus* teaching (FIG. 1) of arm 7 directly attached to motor shaft 9 to the apparatus of *Blenke* to arrive at the claimed invention.

Applicants respectfully traverse the rejection, because *Syndikus* is related to a thread traversing device and appears to be non-analogous art as the claimed invention is directed to a method and apparatus for applying elastics to a moving web. The *Syndikus* reference is therefore cannot be applied against the claims of the instant application in a 35 U.S.C. 103(a) rejection.

Notwithstanding the above and solely for the purpose of expediting prosecution, Applicants have further amended the claims to avoid the Examiner's rejection.

In particular, independent claim 1 now includes the limitation of claim 5, i.e., the arm is oriented horizontally, like the axes of the press rolls. In contrast, the *Blenke* arm (FIGs. 2, 2A and 2B) is vertical, unlike the axes of press rolls 70, 72. The claimed horizontal arm has at least the following advantage over the prior art vertical arm.

It is necessary to, in order to rotate the servomotor at high speed and with stability, prevent the center of gravity of the arm from fluctuating, in addition to minimize the inertial force when the arm swings.

The arm describes the track of its swing while the position of the arm's center of gravity follows the track. The arm's center of gravity in the claimed invention is positioned on the same horizontal plane as the arm itself and is not fluctuated.

However, in the case where the arm is arranged in the vertical direction, as shown in Fig. 2B of *Blenke*, the position of the arm's center of gravity is fluctuated with the awing position (swing angle) of the arm, unlike the claimed invention. For example, the motor of *Blenke* has to "raise" the arm's center of gravity from the middle position (depicted in Fig. 2B) to a higher level on either side (as shown by arrow 86 in Fig. 2B).

It should be noted here that in order to swing the arm by the servomotor at high speed and

with stability in the case where the arm is affected by fluctuation of the center of gravity thereof, complicate control means are needed for elimination of the affection. However, such means are not required if the arm is arranged horizontally as in the claimed invention.

The deficiency of *Blenke* is not deemed curable by the teaching reference(s), and therefore independent claim 1 is patentable over the applied art of record.

Claim 15, now in independent form, recites that the axis of said rotary shaft is stationary relative to the axes of the press rolls. *Blenke* cannot be properly modified by *Syndikus* to include the claimed stationary axis of the rotary shaft, due to the additional translational movement of the *Blenke* shaft along rails 48 (FIG. 2). See, also, *Blenke* at column 5 lines 21-32. The overall arrangement of *Blenke* and its disclosure of guides 44/46 as being slidably moveable make it clear that the arms and the axes of any motor/servomotor associated therewith must be moveable in the cross direction, i.e., moveable along and relative to the axes of press rolls 70, 72. The axes of the *Blenke* motor/servomotors are therefore moveable relative to the axes of the press rolls, contrary to the claimed invention.

The deficiency of *Blenke* is not deemed curable by the teaching reference(s), and therefore independent claim 15 is patentable over the applied art of record.

The dependent claims are considered patentable at least for the reasons advanced with respect to the respective independent claims.

New claims 22-23 recite several configurations of the arm which, coupled with the horizontal arrangement of the arm, allow fast and stable swinging action of the associated servomotor which is/are neither disclosed, taught nor suggested by the applied art of record. Claims 22-23 are therefore separately patentable.

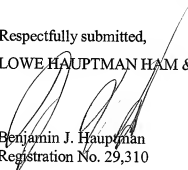
Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP



Benjamin J. Hauptman
Registration No. 29,310

USPTO Customer No. 22429
1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: September 24, 2007
BJH/KL/mps